

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1591

Chapter 505, Laws of 2005

(partial veto)

59th Legislature
2005 Regular Session

BOARDING AND ADULT FAMILY HOMES

EFFECTIVE DATE: 7/24/05

Passed by the House April 23, 2005
Yeas 92 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 7, 2005
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved May 17, 2005, with the
exception of Sections 3, 4 and 5, which
are vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk
of the House of Representatives of
the State of Washington, do hereby
certify that the attached is
certify that the attached is
SUBSTITUTE HOUSE BILL 1591 as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 17, 2005 - 2:11 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1591

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Health Care (originally sponsored by Representatives Schual-Berke, Hinkle, Cody, Skinner and Moeller)

READ FIRST TIME 03/04/05.

1 AN ACT Relating to care facilities; reenacting and amending RCW
2 70.128.010; adding a new section to chapter 18.20 RCW; adding new
3 sections to chapter 70.128 RCW; adding a new section to chapter 69.06
4 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.20 RCW
7 to read as follows:

8 The department of health, the department, and the building code
9 council shall develop standards for small boarding homes between seven
10 and sixteen beds that address at least the following issues:

- 11 (1) Domestic food refrigeration and freezer storage;
- 12 (2) Sinks and sink placement;
- 13 (3) Dishwashers;
- 14 (4) Use of heat supplements for water temperature in clothes
15 washers;
- 16 (5) Yard shrubbery;
- 17 (6) Number of janitorial rooms in a facility;
- 18 (7) Number and cross-purpose of dirty rooms;
- 19 (8) Instant hot water faucets;

1 (9) Medication refrigeration; and

2 (10) Walled and gated facilities.

3 Based on the standards developed under this section, the department
4 of health and the building code council shall study the risks and
5 benefits of modifying and simplifying construction and equipment
6 standards for boarding homes with a capacity of seven to sixteen
7 persons. The study shall include coordination with the department.
8 The department of health shall report its findings and recommendations
9 to appropriate committees of the legislature no later than December 1,
10 2005.

11 NEW SECTION. **Sec. 2.** The department of health and the department
12 of social and health services may adopt rules to implement section 1 of
13 this act.

14 **Sec. 3. RCW 70.128.010 and 2001 c 319 s 6 and 2001 c 319 s 2 are*
15 *each reenacted and amended to read as follows:*

16 *Unless the context clearly requires otherwise, the definitions in*
17 *this section apply throughout this chapter.*

18 *(1) "Adult family home" means a residential home in which a person*
19 *or persons provide personal care, special care, room, and board to more*
20 *than one but not more than six adults who are not related by blood or*
21 *marriage to the person or persons providing the services.*

22 *(2) "Special capacity adult family home" means an adult family home*
23 *licensed to provide services to seven or eight residents.*

24 *(3) "Provider" means any person who is licensed under this chapter*
25 *to operate an adult family home. For the purposes of this section,*
26 *"person" means any individual, partnership, corporation, association,*
27 *or limited liability company. A provider, in an adult family home*
28 *licensed for seven or eight residents, means a person with one year of*
29 *administration experience, in the state of Washington, in any long-term*
30 *licensed care setting.*

31 *((+3)) (4) "Department" means the department of social and health*
32 *services.*

33 *((+4)) (5) "Resident" means an adult in need of personal or*
34 *special care in an adult family home who is not related to the*
35 *provider.*

1 ~~((+5))~~ (6) "Adults" means persons who have attained the age of
2 eighteen years.

3 ~~((+6))~~ (7) "Home" means an adult family home.

4 ~~((+7))~~ (8) "Imminent danger" means serious physical harm to or
5 death of a resident has occurred, or there is a serious threat to
6 resident life, health, or safety.

7 ~~((+8))~~ (9) "Special care" means care beyond personal care as
8 defined by the department, in rule.

9 ~~((+9))~~ (10) "Capacity" means the maximum number of persons in need
10 of personal or special care permitted in an adult family home at a
11 given time. This number shall include related children or adults in
12 the home and who received special care.

13 ~~((+10))~~ (11) "Resident manager" means a person employed or
14 designated by the provider to manage the adult family home.

*Sec. 3 was vetoed. See message at end of chapter.

15 ***NEW SECTION.** Sec. 4. A new section is added to chapter 70.128 RCW
16 to read as follows:

17 The department may license an adult family home to be a special
18 capacity adult family home. The department shall, at a minimum,
19 consider the prior compliance history of the licensee, the experience
20 of the licensee, the adequacy of the physical space in the home, and
21 the number, qualification, and training of readily available staff to
22 meet the needs of residents when determining whether to grant the
23 license. The department shall develop rules pertaining to the
24 licensing of special capacity adult family homes to include
25 requirements related to licensing and the health and safety of
26 residents.

*Sec. 4 was vetoed. See message at end of chapter.

27 ***NEW SECTION.** Sec. 5. A new section is added to chapter 70.128 RCW
28 to read as follows:

29 (1) All adult family homes licensed for seven or eight residents
30 shall install smoke detectors. Smoke detectors must be installed in
31 each sleeping room and installed at a central point in a corridor or
32 area which gives access to each separate sleeping room. All smoke
33 detectors located inside adult family homes, licensed for seven or
34 eight residents, shall be interconnected so as to sound an alarm from
35 all smoke detectors located in the home when any one detector is
36 activated.

1 (2) *Adult family homes licensed for seven or eight residents shall*
2 *have their interconnected smoke detectors monitored by a central*
3 *monitoring company and the adult family home provider shall maintain*
4 *the central monitoring service so long as the home is licensed as an*
5 *adult family home.*

6 (3) *Adult family homes licensed for seven or eight residents shall*
7 *install a residential automatic fire sprinkler system. Installation*
8 *and maintenance shall be in accordance with standards specified in the*
9 *state building code. The state building code council shall adopt rules*
10 *to implement the requirements of this subsection (3). The automatic*
11 *fire sprinkler system shall be inspected on an annual basis by a state*
12 *certified automatic sprinkler system inspection and testing technician.*

**Sec. 5 was vetoed. See message at end of chapter.*

13 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.128 RCW
14 to read as follows:

15 The department shall implement, as part of the required training
16 and continuing education, food safety training and testing integrated
17 into the curriculum that meets the standards established by the state
18 board of health pursuant to chapter 69.06 RCW. Individual food handler
19 permits are not required for persons who begin working in an adult
20 family home after June 30, 2005, and successfully complete the basic
21 and modified-basic caregiver training, provided they receive
22 information or training regarding safe food handling practices from the
23 employer prior to providing food handling or service for the clients.
24 Documentation that the information or training has been provided to the
25 individual must be kept on file by the employer.

26 Licensed adult family home providers or employees who hold
27 individual food handler permits prior to June 30, 2005, will be
28 required to maintain continuing education of .5 hours per year in order
29 to maintain food handling and safety training. Licensed adult family
30 home providers or employees who hold individual food handler permits
31 prior to June 30, 2005, will not be required to renew the permit
32 provided the continuing education requirement as stated above is met.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 69.06 RCW
34 to read as follows:

35 Except for the food safety training standards adopted by the state
36 board of health under RCW 69.06.010, the provisions of this chapter do

1 not apply to persons who work in adult family homes and successfully
2 complete training and continuing education as required by section 6 of
3 this act.

Passed by the House April 23, 2005.

Passed by the Senate April 7, 2005.

Approved by the Governor May 17, 2005, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 17, 2005.

Note: Governor's explanation of partial veto is as follows:

"I am returning, without my approval as to Sections 3, 4, and 5,
Substitute House Bill No. 1591 entitled:

"AN ACT Relating to care facilities."

Sections 3, 4, and 5 of this bill authorize licensure of a new category of larger adult family homes, known as special capacity adult family homes, which may serve seven or eight residents instead of up to only six residents. Adult family homes are an important component of our state's long-term care continuum and are favored by many families seeking a home-like, but safe living environment for an elderly or disabled family member. The intent behind this proposal is to make operating one of these facilities more economically viable. Expanding the size of these facilities, however, may make them less safe, less homelike, and more intrusive in neighborhood settings. Larger facilities would also likely incur higher staff and service costs. It is not clear that expanding their size would make them more economically viable. The idea of authorizing the expansion of adult family homes should be considered by the Long Term Care Task Force. The task force was created under Substitute House Bill No. 1220 this year, and will be considering both financial and capacity issues in our long-term care system over this next year.

For these reasons, I have vetoed Sections 3, 4, and 5 of Substitute House Bill No. 1591.

With the exception of Sections 3, 4, and 5, Substitute House Bill No. 1591 is approved."